

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CAITLIN GOODWIN	)	CASE NO.
Individually and on behalf of all others	)	
similarly situated,	)	(Cuyahoga County Common Pleas Court
577 Brighton Drive	)	Case No. CV 17 877960)
Berea, OH 44017	)	
	)	JUDGE
Plaintiff,	)	
	)	
vs.	)	
	)	<u>NOTICE OF REMOVAL</u>
LLR, INC. D/B/A LULAROE	)	
C/O INCORP SERVICES, INC.	)	
5716 Corsa Avenue, Ste.110	)	
Westlake Village, CA 91362	)	
	)	
Defendant.	)	

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Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant LLR, Inc. (“LLR” or “Defendant”), by and through undersigned counsel, files this Notice of Removal of the above-captioned matter from the Court of Common Pleas of Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division, and in support thereof avers as follows:

1. On March 27, 2017, Plaintiff Caitlin Goodwin (“Plaintiff”) filed a complaint in the Cuyahoga County Court of Common Pleas, captioned *Caitlin Goodwin v. LLR, Inc. D/B/A LULAROE*, Case No. 17 877960. All state-court process, pleadings, and orders are attached hereto and incorporated herein as **Exhibit A**. See 28 U.S.C. § 1446(a).

2. The summons and complaint were served on LLR on April 3, 2017.

3. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) in that this Notice of Removal is filed within 30 days from the date that Defendant LLR was served which is the first date upon which Defendant was aware of the litigation.

4. Pursuant to 28 U.S.C. § 1441(a), this Court is in the district and division “embracing the place where [the state court] action is pending,” as the Cuyahoga County Court of Common Pleas is located in the Northern District of Ohio, Eastern Division.

5. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332, which provides, in pertinent part, that “[t]he district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and is a class action in which...any member of a class of plaintiffs is a citizen of a State different from any defendant.” 28 U.S.C. § 1332(d)(2)(A).

6. This action is a class action as defined in 28 U.S.C. § 1332(d)(1)(B), as it was filed on behalf of a putative class of “over forty (40) persons” who allegedly purchased LLR leggings.

7. Plaintiff is a citizen of Ohio, as she is domiciled in Berea, Ohio.

8. Defendant LLR is a citizen of Wyoming.

9. Accordingly, there is diversity of citizenship for this class action because the class-Plaintiff is a citizen of a different State than Defendant LLR. 28 U.S.C. § 1332(d)(2)(A).

10. The amount in controversy exceeds \$5,000,000. Plaintiff seeks compensatory damages from Defendant LLR on behalf of all similarly situated persons residing in the United States during the class period who purchased LLR leggings manufactured outside of the United States during the class period. Complaint, ¶ 24. Plaintiff alleges, among other things, that LLR’s leggings are defective. See Complaint, ¶35. Although Plaintiff’s complaint does not define a

“class period,” LLR is informed and believes that Plaintiff will seek a class period of at least one year.

11. LLR’s sales to independent fashion retailers of leggings manufactured outside of the United States exceed \$50,000,000 per year, which amount Plaintiff is seeking on behalf of a putative class to recover as compensable damages. In addition, Plaintiff seeks punitive damages against LLR. In determining the amount in controversy for purposes of diversity jurisdiction, courts are to consider a plaintiff’s request for punitive damages. *Klepper v. First Am. Bank*, 916 F.2d 337, 341 (6th Cir. 1990). Punitive damages under Ohio law may generally amount to up to two times the amount of compensatory damages. *See* Ohio Rev. Code § 2315.21(D); *Sivit v. Vill. Green of Beachwood, L.P.*, Nos. 103340 & 103498, 2016-Ohio-2940, ¶ 30 (Ohio Ct. App. May 12, 2016). Therefore, although the yearly sales of LLR’s leggings to independent fashion retailers alone far exceed the \$5,000,000 jurisdictional threshold as to the amount in controversy, when punitive damages are also considered, as they rightfully should be, there can be no question that the amount in controversy exceeds \$5,000,000.

12. Since there is diversity of citizenship in this class action and the amount in controversy exceeds \$5,000,000, exclusive of interest and costs, the requirements of subject matter jurisdiction have been satisfied.

13. Pursuant to 28 U.S.C. § 1446(d), upon the filing of this Notice of Removal, Defendants will serve written notice thereof on Plaintiff.

14. Pursuant to 28 U.S.C. § 1446(d), upon the filing of this Notice of Removal, Defendants will promptly notify and file with the Clerk of Courts for the Cuyahoga County Court of Common Pleas a notice of the filing of this Notice of Removal.

15. The allegations in this Notice of Removal are true and correct to the best of Defendants' knowledge and belief.

Respectfully submitted,

/s/ Joseph T. Dattilo

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*Attorneys for Defendant LLR, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on May 2, 2017, a true and correct copy of the foregoing *Notice of Removal* was served on the following via email and regular U.S. mail:

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